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11

12 **UNITED STATES DISTRICT COURT**

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14 **DISTRICT OF NEVADA**

15

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 ALBERT LANDAVERDE,

20 Defendant.

21 Case No. 2:19-MJ-00935-BNW

22 **STIPULATION TO AMEND  
SENTENCE TO TIME SERVED**

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24 IT IS HEREBY STIPULATED AND AGREED, by and between  
Christopher Chiou, Acting United States Attorney, and Rachel Kent, Special  
Assistant United States Attorney, counsel for the United States of America, and  
Rene L. Valladares, Federal Public Defender, and Joanne L. Diamond, Assistant  
Federal Public Defender, counsel for Albert Landaverde, that the sentence  
imposed on February 19, 2020, be amended to time served.

25 This Stipulation is entered into for the following reasons:

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1       1. On February 19, 2020, Mr. Landaverde pled guilty to the charge of  
2 Driving Under the Influence. ECF No. 14. The Court then sentenced him to a  
3 term of 12 months unsupervised probation with the following special conditions:  
4 (a) complete DUI School with Victim Impact Panel, (b) complete 84 hours of  
5 community service, (c) pay fines totaling \$510.00, (d) have no adverse contact  
6 with law enforcement, (e) refrain from Lake Mead National Recreational Area for  
7 a period of 6 months. *Id.*

8       2. As of October 15, 2020, Mr. Landaverde has been in jail in Los  
9 Angeles on a pending California state charge (Case No. KA125723-01). Mr.  
10 Landaverde's case was transferred to Mental Health Court. He has been found  
11 incompetent to stand trial and, on February 26, 2021, the presiding judge ordered  
12 Mr. Landaverde committed to the California Department of Mental Health for  
13 placement in the Department of State Hospitals with a maximum commitment  
14 date of February 26, 2023.

15       3. Based on his almost 5 months' incarceration in California, and  
16 pending mental health commitment, the parties request the Court amend the  
17 sentence imposed on February 19, 2020, to time served.

18                     DATED: March 9, 2021.

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20                     RENE L. VALLADARES  
21                     Federal Public Defender

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23                     CHRISTOPHER CHIOU  
24                     Acting United States Attorney

25  
26                     By /s/ Joanne L. Diamond  
27                     JOANNE L. DIAMOND  
28                     Assistant Federal Public Defender

2                     By /s/ Rachel Kent  
3                     RACHEL KENT  
4                     Special Assistant United States  
5                     Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:19-MJ-00935-BNW

Plaintiff,

## ORDER

V.

## ALBERT LANDAVERDE,

Defendant.

Based on the pending Stipulation of counsel, IT IS ORDERED that the sentence imposed on February 19, 2020, is amended to time served.

DATED this 22<sup>nd</sup> day of March, 2021.

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UNITED STATES MAGISTRATE JUDGE